

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MAK

Serial No.: 09/818,165

Filed: March 27, 2001

Art Unit: 2154

Examiner: Wen Tai Lin

Atty. Docket No.: 00-812-US

**ELECTRONIC COMMUNICATIONS
SYSTEM AND METHOD**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed August 3, 2004, Applicant provisionally elects Group I (Claims 1-29 and 45-74) with traverse. The shortened statutory period for reply was set to expire on September 3, 2004. Accordingly, a petition for a one month extension through October 4, 2004 is filed herewith.

The Examiner required restriction between Claims 1-29 and 45-74 (Group I), drawn to a "method and apparatus for

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Kimberly L. Haney

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establishing communication session for multiply interconnected networks, classified in class 709, subclasses 227, 245 and 249," and "Claims 30-44 (Group II), drawn to apparatus for establishing internet-based telephony with capability of automatic detection and switching for an incoming voice or facsimile messages, classified in class 379, subclasses 900-905."

The Examiner stated that the inventions of Groups I and II are related as subcombinations disclosed as useable together in a single combination. However, subcombinations are distinct from each other only if they are shown to be separately useable. In the instant case, Invention Group II merely includes the combined functionality of Internet-based telephony used for both voice and fax.

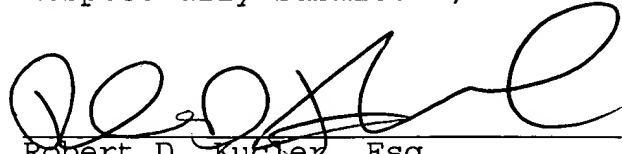
Even though the Examiner suggests that the claims of groups I and II are classified in different art areas, which Applicant does not believe is accurate, Applicant respectfully suggests that the Examiner will not be required to make an additional search in considering the inventions described in the restricted claims. MPEP § 803, in relevant part, states that:

"[i]f the search and examination of an entire application can be made without serious burden, the examiner >must<** examine it on the merits, even though it includes claims to distinct or independent inventions.**"

To conserve the time of both the Office and the Applicant herein, it is respectfully requested that the Examiner withdraw the Restriction Requirement.

Respectfully submitted,

Dated: October 4, 2004



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